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Via ECF

Hon. Vera M. Scanlon, U.S.M.J.
United States District Court for the
Eastern District of New York
225 Cadman Plaza East, 1214 South
Brooklyn, New York 11201

Re: Menkes, et al. v. Board of Managers of 561 5th Street Condominium, et al.
Docket No.: 1:19-cv-3569 (MKB)(VMS)

Your Honor:

As the Court is aware, this office is counsel to Defendants Board of Managers of 561 5th Street Condominium, Alison L. Avera, Richard R. Purtich, Len Patterson Small, Tracy Breslin and Kirstin A. Purtich.

I write concerning the Court's August 12th Status Report Order and August 17th Order granting the parties' August 14th joint request for an extension of time to file a proposed stipulation of dismissal. Regrettably, the parties have reached an impasse and are now unable to reach agreement on the terms of a proposed stipulation of dismissal. The parties have worked diligently to resolve numerous issues in dispute and have reached mutual agreement on seven of eight provisions, and all but two sentences of the remaining provision relating to confidentiality and disclosure of information exchanged in the course of this litigation.

At this time, Defendants wish to proceed with a pre-motion conference with District Judge Brodie to set a briefing schedule for Defendants' Rule 12 (c) motion set forth in our letter dated July 28, 2020. Defendants remain amenable to a telephonic status conference at the Court's convenience to discuss the issues arising from plaintiffs' failure to comply with multiple prior orders for disclosure and the parties' inability to agree to terms of the proposed stipulation of dismissal. Defendants believe that even a brief conference with the Court, in the near-term future, would aid prompt resolution of the impasse over the confidentiality provisions in the proposed stipulation.

I appreciate the Court's courtesy and attention to this matter.

Respectfully submitted,

ABRAMS FENSTERMAN



Randy Faust, Esq.
for Defendants

cc: Via ECF

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Lance Olitt, Esq.